

REMARKS

This application has been reviewed in light of the Office Action mailed June 28, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 2, 3, 5, 8 and 10 are pending in the application with Claims 2, 3, 5 and 10 being in independent form.

Initially, a telephone interview was conducted with the Examiner on September 22, 2006 regarding clarification that Applicant's claimed plurality of transmission channels is not equivalent to the plurality of communication links between a mobile station and a plurality of base stations cited in the present Office Action. In the interview, Applicant's interpretation was advanced that the "transmission channels" are CDMA channels that are used in a single communication link between a mobile station and a base station rather than the multiple communication links interpretation used by the Examiner.

While no firm agreement was reached regarding the above-mentioned interpretation at that time, the Examiner stated that the present response would be considered in view of this conversation and would contact Applicant after reviewing the present response and the cited references more thoroughly.

I. Rejection of Claims 2, 3, 5, 8 and 10 Under 35 U.S.C. § 103(a)

Claims 2, 3, 5, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,914,950 issued to Tiedemann Jr. et al. in view of U.S. Patent No. 5,914,950 issued to Tanaka et al. In response, Applicant respectfully traverses the rejection with respect to Claims 2, 3, 5, 8 and 10.

Tiedemann Jr. et al. discloses that channel selector 12 selects the minimum transmission rate from the list of maximum supportable transmission rates. The selected minimum

transmission rate is defined as the maximum scheduled transmission rate for a scheduled user (i.e., mobile station). (See: col. 11, line 65 – col. 12, line 6).

Consequently, it is evident that in Tiedemann Jr. et al. this same maximum scheduled transmission rate is assigned to all of the plurality of transmission channels of the scheduled user. Thus, each transmission channel of the scheduled user disclosed in Tiedemann Jr. et al. operates at the same transmission rate, regardless of whether a particular transmission channel is capable of a higher transmission rate. The result of the Tiedemann Jr. et al. disclosed invention is a communications link that maintains a consistent transmission rate across all the transmission channels used.

Tanaka et al. fails to overcome the above-identified deficiency as well. Namely, Tanaka et al. fails to disclose or suggest determining a maximum transmission rate for each of a plurality of transmission channels for a next scheduled transmission time slot for each said mobile station and notifying each mobile station of the determined maximum transmission rate of each of the plurality of transmission channels.

The present Office Action attempts to equate the maximum scheduled transmission rate sent to each remote station by the scheduler with the separate maximum transmission rate assigned to each of the plurality of transmission channels recited in Applicant's claims.

However, the channels referred to in Applicant's claims do not correspond to different remote stations but rather the channels are a feature of the CDMA protocol. In CDMA, the communication between a mobile station and a base station occurs over multiple channels. Thus, Tiedemann Jr. et al. does not properly disclose or suggest Applicant's claimed "each of a plurality of transmission channels having a separate maximum transmission rate."

Therefore, for at least the reasons given above, Claims 2, 3, 5, 8 and 10 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 2, 3, 5, 8 and 10 under 35 U.S.C. § 103(a) over Tiedemann Jr. et al. in view of Tanaka et al.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 2, 3, 5, 8 and 10 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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